REMARKS

Claims 1-18 are all the claims pending in the application.

Applicants have amended claim 1 consistent with the description at page 17, lines 5-17, of the specification. No new matter has been added. Applicants respectfully request the entry of amended claim 1.

The Action mailed November 6, 2002 consists of the following rejections:

> claims 1, 2, 4, and 6 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,212,596 to Andrus ("Andrus");
>
> claim 5 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being unpatentable over Andrus;
>
> claims 1-4 and 6-7 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,377,044 to Tomono, *et al.* ("Tomono"); and
>
> claims 5, 8-11, and 17-18 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tomono.

The Examiner has taken the position that the phrase "dispersion of height" refers to the height of the projection as shown by reference "L" in Fig. 3 (the Examiner refers to both Fig. 3 and the description at page 11, lines 12-16 of the specification).

Applicants respectfully disagree, and traverse each of the rejections for the following reasons.

Like the words of a statute, each word in a claim should be given meaning. Winter v. Fujita, 53 USPQ2d 1234, 1244 (Bd. Pat. App. & Int. 1999).

Present claim 1 recites "... the projections having a ***dispersion of*** height of 1 μm or less." Under the Examiner's interpretation, however, the recitation in claim 1 would be read as "... the projections having a height of 1 μm or less." An interpretation that "dispersion of height" refers to the height of the projection as shown by reference "L" in Fig. 3 completely strips the phrase "dispersion of" of any meaning, and contravenes Winter.

Not only does the Examiner's interpretation contravene Winter, it is inconsistent with an object of the invention. An object of the invention is to provide an optical part having projections. The projections of the invention have a reduced dispersion of height and exceedingly high uniformity, as described at the last two lines of page 8 of the specification. According to the Examiner's interpretation, however, the object of the invention would be to obtain a completely flat surface.

Furthermore, the Examiner's position is inconsistent with the description at page 11, lines 9-16 and page 16, lines 5-15.

First, the description at page 11, lines 12-16 does not state that the dispersion of height is the height of the projection as shown by reference to "L" in Fig. 3. Instead, it clearly states that "[t]he term height of the projections of an outermost layer means the distance L shown in Fig. 3." The phrase "dispersion of" is absent from this definition.

Second, the height of the projections (L in Fig. 3) is specifically defined to be from 0.1 to 40 μm at page 16, lines 5-15. It would be completely inconsistent for the specification to define L as 1 μm or less at page 11 and as from 0.1 to 40 μm at page 16.

In sum, the phrase "dispersion of" in claim 1 cannot be overlooked and must be given meaning. It is Applicants' position that a person of ordinary skill in the art would understand that the height (L) cannot be absolutely constant and has a dispersion. Therefore, a person of ordinary skill in the art would understand that the phrase "dispersion of" in the recitation "the projections having a dispersion of height of 1 μm or less" defines a range of deviation from the ideal constant value of L. In other words, dispersion of height is the difference in height between the highest L and the lowest L.

Andrus does not disclose the recitation "projections have a dispersion of height of 1 μm or less" in claim 1. Therefore, Andrus does not anticipate claim 1.

Andrus' disclosure at column 6, lines 25-37 relates to the distance *between* two successive ridges or two successive valleys, etc. For example, Andrus' distance of 50 μm or less refers to the distance "b" in Fig. 3. Andrus is completely silent regarding the dispersion of height of its projections.

Andrus also fails to suggest, *i.e.*, render obvious, the recitation "projections have a dispersion of height of 1 μm or less" in claim 1. In this regard, Andrus' silence precludes there from being any motivation or suggestion from within the prior art to modify the prior art to arrive at the claimed invention.

Tomono, like Andrus, is silent with respect to the dispersion of height of its projections. Therefore, Tomono fails to expressly or inherently describe the "dispersion of projection height" feature of the present invention, and there is no motivation or suggestion from within the prior art to modify Tomono and arrive at the claimed invention.

Furthermore, Applicants have amended claim 1 to recite that a weight proportion of an organic functional group in the organopolysiloxane ranges from 20 to 60% by weight.

The molding material in Tomono is limited to a resin. The working examples in Tomono use UV-curable resins.

A problem with molded resins is that they have a heat-resistant temperature of about 250°C, as described in the third full paragraph at page 2 of the specification.

The materials of the present invention, on the other hand, have a heat resistance such that the materials do not deform or peel even at a temperature of 300°C. Heat resistance test conditions are described in the first paragraph at page 29, and the test results from three examples are presented at Table 1, page 32, of the specification.

As explained at page 17, lines 5-17, layers with low amounts of organic functional group in the organopolysiloxane are more brittle and more apt to develop surface cracks. In addition,

layers with high amounts of organic functional group in the organopolysiloxane impair the heat resistance of the substrate.

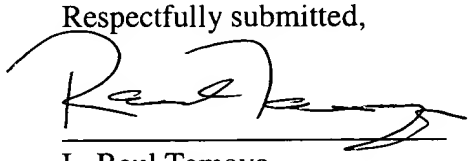
Tomono does not disclose or suggest the presently claimed materials in the presently claimed component amounts, and Tomono does not disclose or suggest the achievement of higher heat resistance.

For the foregoing reasons, Applicants respectfully request that the Examiner reconsider and withdraw the §102 and §102/103 rejections.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, she is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 1 is amended as follows:

1. (AMENDED) A multilayer-coated substrate comprising a substrate and united therewith two or more superposed layers which comprise an organopolysiloxane and the outermost layer of which has projections, the projections having a dispersion of height of 1 μm or less, wherein a weight proportion of an organic functional group in the organopolysiloxane ranges from 20 to 60% by weight.